

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

Hearing Date: January 5, 2006
Hearing Time: 10:00 a.m.

In re: : Chapter 11
: :
DELPHI CORP., *et al.*, : Case No. 05-44481 (RDD)
: :
Debtors. : (jointly administrated)
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**UNITED STATES TRUSTEE’S STATEMENT IN SUPPORT OF MOTION
TO AMEND THE ORDER UNDER 11 U.S.C. §§ 102(1) AND 105 AND FED.R.BANKR.P.
2002(m), 9006, 9007, AND 9014 ESTABLISHING (I) OMNIBUS HEARING DATES,
(II) CERTAIN NOTICE, CASE MANAGEMENT, AND ADMINISTRATIVE
PROCEDURES, AND (III) SCHEDULING AN INITIAL CASE CONFERENCE IN
ACCORDANCE WITH LOCAL BANKRUPTCY R. 1007-2(e)**

(THE “CASE MANAGEMENT AMENDMENT MOTION”)

Deirdre A. Martini, United States Trustee for the Southern District of New York (the
“United States Trustee”), supports the Case Management Amendment Motion, filed by the Official
Committee of Unsecured Creditors (the “Creditors’ Committee”), to amend the Case Management
Order entered in these cases on October 17, 2005, on the following grounds:

1. The current Case Management Order allows the filing of all motions within ten
days of any omnibus hearing date. This provision is onerous in light of the complex facts and
issues that must often be addressed in a matter of days, and the apparent proclivity of the parties in
these cases to file substantive motions at the last possible moment before the deadline.

2. For example, Law Debenture Trust Company filed a motion to reconstitute the
Creditors’ Committee on December 22, 2005, just fourteen days before the January 5, 2006
hearing date. During that two week-week period, there are only four working days prior to the
January 2, 2006 deadline to respond because of two Federal and state holidays (Christmas and
New Years’ Day). The response deadline is itself a holiday (New Years’ Day). Likewise, on

December 22, 2005, Appaloosa Management, L.P. filed a motion to compel the United States Trustee to appoint an equity committee, with the same January 2, 2006 response deadline. These filings, while technically within the scope of the Case Management Order (and the Local Rules of Court), will require the United States Trustee, the Debtors, and the Creditors' Committee to review several hundred pages of documents and articulate their responses in a very short time frame.

3. The Creditors' Committee's proposal to amend the Case Management Order is reasonable. It fosters the ability of all parties to have a full and fair opportunity to bring important issues before the Court.

WHEREFORE, the United States Trustee requests that the Court enter the Amended Order attached to the Case Management Amendment Motion and grant other relief as is just.

Dated: New York, NY
December 23, 2005

Respectfully Submitted,

DEIRDRE A. MARTINI
UNITED STATES TRUSTEE

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